

# Domestic violence in a rented property

## What tenants and occupants need to know

If there is violence in your rented home you should contact the Police or one of the advice services listed below.

There are also steps you can take under the tenancy agreement to improve your safety.

### Changing the locks

If you obtain an Apprehended Violence Order (AVO) which prohibits a person from accessing the rented premises where you were both living, you can immediately change the locks. This applies if the AVO is a provisional, interim or final order.

You do not need the landlord's or agent's consent to change the locks as you would normally do. However you must give them a key for the new lock within 7 days unless they agree not to have a key. The cost of changing the locks is your responsibility. If you do give a key to the landlord or agent, they cannot pass it on to the person who has been excluded from the property.

If the excluded person is named on the tenancy agreement as a tenant, your action in changing the locks does not end their tenancy or make you a tenant instead. All it does is prevent them from using their keys to enter the property while the AVO remains in force.

### Changing the tenancy agreement

If the person excluded from the premises was named as a tenant on the agreement, a final AVO made by a magistrate terminates that person's tenancy. If you were named on the agreement as a co-tenant the tenancy simply transfers to your name. There is no need for you to sign a new agreement or do anything else. Any share of the bond owing to the excluded person does not have to be paid back until you vacate.

If your name is not on the agreement, you can ask the landlord or agent to have the agreement put into your name. If they refuse you can apply to the Consumer, Trader and Tenancy Tribunal for an order to be recognised as the tenant and be given a tenancy agreement.

If you are an occupant of social housing premises (e.g. Housing NSW) the Tribunal can only make such an order if you meet any eligibility requirements. Contact the social housing provider to find out what you can do.

### Ending the lease early

Tenants cannot usually break a fixed term agreement early without paying a penalty or compensation. However, if you are a tenant and you obtain a final AVO which prohibits a co-tenant or occupant from accessing the premises, you have the option to end the lease early without having to compensate the landlord. This may be helpful if you cannot afford the rent on your own. You must give the landlord or agent 14 days notice in writing of your intention to leave.

### Tenancy database listings

If you are listed on a tenancy database due to damage to the property caused by a co-tenant or occupant during an incident of domestic violence, there are steps you can take. You can ask for the information about you to be removed or changed and you can apply to the Tribunal for orders. More information can be found on the Tenancy databases web page on the Fair Trading website.

### Further advice and support

#### Domestic Violence Line (Community Services)

Tel 1800 656 463

#### Domestic Violence Legal Advice Line

Tel 8745 6999

Toll free 1800 810 784

**Women's Legal Contact Line**

Tel 8745 6988

Toll free 1800 801 501

**Rape Crisis Centre**

Toll free 1800 424 017

**Women's and Girls' Emergency Centre**

Tel 9360 5388

**Victim's Services**

Toll free 1800 633 063

**Another Closet** (information on violence in gay and lesbian relationships)

Website [www.acon.org.au](http://www.acon.org.au)

**At a glance**

Old laws	New laws
Locks could not be changed without landlord's consent	Consent to change locks no longer required if AVO excludes a tenant or occupant from the premises
No specific right to take over a lease after an AVO is made excluding the tenant	An occupant can seek to become a tenant in these circumstances
Domestic violence victim who left during a fixed term lease liable to pay compensation to landlord	Lease can be ended early without penalty with 14 days notice to landlord

[www.fairtrading.nsw.gov.au](http://www.fairtrading.nsw.gov.au)  
 Fair Trading enquiries 13 32 20  
 TTY 1300 723 404  
 Language assistance 13 14 50

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